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9 Attorneys for Plaintiff  
10 American Federation of State, County & Municipal Employees LOCAL 101

11  
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **IN AND FOR THE COUNTY OF SANTA CLARA**  
14 **AT SAN JOSÉ**

15 **SAN JOSE POLICE OFFICERS'**  
16 **ASSOCIATION,**

17 Plaintiff,

18 v.

19 **CITY OF SAN JOSÉ, BOARD OF**  
20 **ADMINISTRATION FOR POLICE AND FIRE**  
21 **DEPARTMENT RETIREMENT PLAN OF**  
22 **CITY OF SAN JOSE, and DOES 1-10,**  
23 **inclusive,**

24 Defendants.

25 **AND RELATED CROSS-COMPLAINT AND**  
26 **CONSOLIDATED ACTIONS**

Consolidated Case No. 1-12-CV-225926

[Consolidated with Case Nos. 1-12-CV-225928,  
1-12-CV-226570, 1-12-CV-226574,  
1-12-CV-227864, and 1-12-CV-233660]

Assigned For All Purposes To:  
Judge Patricia Lucas  
Department 2

**DECLARATION OF VISHTASP**  
**SOROUSHIAN IN SUPPORT OF AFSCME**  
**LOCAL 101'S SUPPLEMENTAL MOTION**  
**FOR ATTORNEYS' FEES AND REPLY**

Hearing Date: November 13, 2014  
Hearing Time: 9:00 a.m.  
Courtroom: 2  
Judge: Honorable Patricia Lucas  
Action Filed: June 6, 2012  
Trial Date: July 22, 2013

27 I, VISHTASP M. SOROUSHIAN, declare under penalty of perjury:

28 1. I submit this declaration in support of Plaintiff AFSCME Local 101's Supplemental  
Motion for Attorneys' Fees and Reply. I have personal knowledge of the facts set forth herein and if  
called as a witness, I could and would competently testify as to them.

1           2.       I am an associate attorney at Beeson, Tayer & Bodine ("BTB") and am licensed to  
2 practice law in the state of California. I am the principal associate at BTB who worked on the above-  
3 captioned case.

4           3.       I reviewed the City of San José's ("City") opposition ("Opposition") to AFSCME  
5 Supplemental Motion for Attorneys' Fees ("Motion"), Linda Ross' declaration, and Exhibit B to  
6 Linda Ross' declaration. ("Ross Exh. B.") That Exhibit B purports to be the City's categorical  
7 compilation of select time entries AFSCME represented through the billing records it submitted as an  
8 attachment to my original declaration in support of this Motion.

9           4.       My first name is misspelled throughout that Exhibit B, as is Mr. Paterson's.

10          5.       On page 16 of Ross Exhibit B, the City also includes an entry from July 17, 2013  
11 under the "Motions in Limine" topic category which it labels as "block billed." However, only a  
12 small fraction of that time was spent with respect to the Motions in Limine. Therefore, I believe it is  
13 disingenuous to include this entry under a category for which the City seeks a complete deduction of  
14 time.

15          6.       On page 23 of its Opposition, the City encourages the Court to reduce what it  
16 categorizes as "vague" and "block billed" entries by 20%, for a "total reduction of 99.4 hours...."  
17 Not only does the City provide no insight as to how it chose the "20%" figure, its math is also  
18 incorrect. Twenty percent of the total 331.45 hours the City claims were either vague or block billed  
19 is only 66.29, not 99.4 hours. This is a discrepancy of 33.11 hours, or \$9,105.25 at a billing rate of  
20 \$275.00.

21          7.       My initials, for purposes of identifying my time entries under the "ATTY" column  
22 throughout the Ross Exhibit B, are "VMS." On pages 24 and 25 of Exhibit B to Linda Ross'  
23 Declaration, the City categorizes certain time entries as "vague." Although I believe said entries are  
24 self-explanatory, I clarify them below:

25               a.       The August 21 and 22 entries entitled "Preparation for hearing" (Ross Exh. B,  
26 p. 24) concern my preparation for the hearing on the City's Motion to Consolidate and Stay the  
27 Various State Court cases. The City sought to have this Court put these proceedings on hold and  
28

1 allow its own unripe federal action to proceed. However, AFSCME and the other plaintiffs  
2 succeeded in that matter, allowing the Court to render its decision after trial.

3           b. I was the sole BTB associate to prepare responses to the City's discovery  
4 requests in this case. This process included reviewing their requests, ascertaining responsive  
5 information from our client, and drafting written responses. It was an extremely time-consuming  
6 task, as the City requested a description of and copies of every single item, representation,  
7 communication, document, etc. AFSCME relied upon in asserting its case. I personally and  
8 exhaustively inspected AFSCME's files records in order to ascertain the responsive information.  
9 Many, if not most, of these inquiries sought information relevant to the portions of Measure B which  
10 AFSCME successfully defeated. My billing entries for November 7 through December 26, 2012 on  
11 page 24 of the Ross Exhibit B concern these discovery requests.

12           c. I also reviewed the City's discovery responses to AFSCME's requests and  
13 those of the other plaintiffs. Furthermore, I participated in meet and confers regarding our requests to  
14 the City. My billing entries for March 19 and 20, 2013, on page 24 of the Ross Exhibit B concern my  
15 review of the City's discovery responses.

16           d. I also assisted in drafting and propounding document discovery on the  
17 Necessary Party in Interest Board of Administration for the Federated City Employees' Retirement  
18 System. Much of this written discovery included requests for information related to the sections of  
19 Measure B that AFSCME successfully challenged. For example, I requested information relating to  
20 the level of benefits, representations made with respect to the benefit, communications with the City  
21 regarding the benefit, and documents indicative of the vested nature of such benefits. Such discovery  
22 requests obviously would have been unnecessary had the City not passed Measure B in the first  
23 instance. My billing entries for January 31 and February 1 and 4 of 2013, on page 24 of the Ross  
24 Exhibit B concern these discovery requests.

25           e. I was also the sole associate to assist in the preparation of AFSCME's  
26 opposition to the City's Motion for Summary Adjudication, and AFSCME ultimately defeated the  
27 motion. One of the tasks I had was preparing the declarations of Daniel Doonan and Charles Allen in  
28 support of the opposition. This was a time-consuming task, as, through the declarations, we

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**PROOF OF SERVICE**

**SANTA CLARA SUPERIOR COURT**

I declare that I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is Beeson, Tayer & Bodine, Ross House, Suite 200, 483 Ninth Street, Oakland, California, 94607-4051. On this day, I served the foregoing Document(s):


**DECLARATION OF VISHTASP SOROUSHIAN IN SUPPORT OF AFSCME LOCAL 101'S SUPPLEMENTAL MOTION FOR ATTORNEYS' FEES AND REPLY**

☒ **By Mail** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

☒ **By Electronic Service.** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**SEE SERVICE LIST**

I declare under penalty of perjury that the foregoing is true and correct. Executed in Oakland, California, on December 4, 2014.

  
\_\_\_\_\_  
Esther Aviva

**SERVICE LIST**

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12 *Clara Superior Court Case No. 112-CV-225928)*

13 AND

14 *Plaintiffs/Petitioners, JOHN MUKHAR, DALE*  
15 *DAPP, JAMES ATKINS, WILLIAM*  
16 *BUFFINGTON AND KIRK PENNINGTON (Santa*  
17 *Clara Superior Court Case No. 112-CV-226574)*

18 AND

19 *Plaintiffs/Petitioners, TERESA HARRIS, JON*  
20 *REGER, MOSES SERRANO (Santa Clara*  
21 *Superior Court Case No. 112-CV-226570)*

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*AND FIRE DEPARTMENT RETIREMENT*  
*PLAN OF CITY OF SAN JOSE (Santa Clara*  
*Superior Court Case No. 112CV225926)*

AND

*Necessary Party in Interest, THE BOARD OF*  
*ADMINISTRATION FOR THE 1961 SAN JOSE*  
*POLICE AND FIRE DEPARTMENT*  
*RETIREMENT PLAN (Santa Clara Superior*  
*Court Case No. 112CV225928)*

AND

*Necessary Party in Interest, THE BOARD OF*  
*ADMINISTRATION FOR THE 1975*  
*FEDERATED CITY EMPLOYEES'*  
*RETIREMENT PLAN (Santa Clara Superior*  
*Court Case Nos. 112CV226570 and*  
*112CV22574)*

AND

*Necessary Party in Interest, THE BOARD OF*  
*ADMINISTRATION FOR THE FEDERATED*  
*CITY EMPLOYEES RETIREMENT PLAN*  
*(Santa Clara Superior Court Case No.*  
*112CV227864)*

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*NAVARRO (Santa Clara Superior Court Case No.*  
*112CV233660)*

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